

Message Text

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ACTION AID-59

INFO OCT-01 NEA-10 ADP-00 EB-11 IGA-02 L-03 INR-10 CIAE-00

DODE-00 CPR-02 SS-15 M-03 A-01 RSR-01 RSC-01 (ADP) W

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FM AMEMBASSY JIDDA

TO SECSTATE WASHDC 4230

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DEPT PASS AID/STS

EO 11652: N/A

TAGS: EAID, SA

SUBJ: PROPOSED UMBRELLA AGREEMENT FOR TECHNICAL ASSISTANCE

REF: A. JIDDA 2409; B. STATE 119664

1. EMBASSY HAS CONTINUED TO STUDY VARIOUS DESIDERATA AND FEASIBILITY OF PROPOSED AGREEMENT AND OFFERS FOLLOWING COMMENT FURTHER TO REF A.

2. WE BELIEVE SAG WILL FIND LITTLE DIFFICULTY WITH MOST PROVISIONS OF TEXT WE HAVE PROPOSED, WITH POSSIBLE EXCEPTION OF CLAUSE PROVIDING DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR US PERSONNEL ASSIGNED UNDER AGREEMENT (PARA (4)(4) REFTEL A.) WE HAVE COMPARABLE PROVISION IN EXISTING AID/OPS AGREEMENT AND ALSO IN THE AGREEMENT PROVIDING FOR US CORPS OF ENGINEERS OPERATIONS IN SAUDI ARABIA. US GEOLOGICAL SURVEY EMPLOYEES, HOWEVER, WORK HERE FOR THE SAUDI MINISTRY OF PETROLEUM AND DO NOT RPT NOT ENJOY DIPLOMATIC PRIVILEGES UNDER TERMS OF THEIR ARRANGEMENT.

3. AS REGARDS TECHNICAL ASSISTANCE AGREEMENT, WE WISH DEVISE TACTICS FOR HANDLING IMMUNITIES ASPECT OF SITUATION WHICH WILL ESTABLISH MAXIMUM PROTECTION AND BENEFITS FOR EMPLOYEES WITHOUT, HOWEVER, PRECIPITATING MAJOR CONFRON-
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TATION VIS-A-VIS SAG ON THIS SUBJECT, AN OCCURRENCE

WHICH MIGHT RAISE QUESTIONS REGARDING EXEMPTION CLAUSES IN EXISTING UNDERSTANDINGS WITH SAUDIS, OR MIGHT HAMPER OUR ABILITY SECURE SUCH SPECIAL CLAUSES IN FUTURE INSTANCES WHERE WE MIGHT DEEM THEM INDISPENSABLE.

4. ACCORDINGLY, SUGGEST EMBASSY BE GIVEN MAXIMUM FLEXIBILITY IN NEGOTIATING THIS PARTICULAR PROVISION. WE CAN ENVISAGE INDIVIDUALS BEING BROUGHT TO SAUDI ARABIA TO WROK UNDER TERMS OF THIS AGREEMENT IN THREE DIFFERENT CATEGORIES OF STATUS: FIRST, WE ASSUME SOME OF THOSE WHO MIGHT BE EMPLOYED HERE WOULD BE AID EMPLOYEES WITH REGULAR USG TENURE; SECONDLY, THERE MIGHT BE INDIVIDUALS TO BE EMPLOYED WHO WOULD BE SECONDED FROM OTHER PARTS OF USG OR WHO WOULD BE PREPARED TO TAKE LEAVE OF ABSENCE FROM THEIR POSITIONS IN USG DEPTS TO WORK FOR SAG. (IT IS OUR UNDERSTANDING THAT MANY USG EMPLOYEES GOING ABROAD UNDER UN TECHNICAL ASSISTANCE PROGRAMS ARE RECRUITED IN SUCH FASHION); THIRDLY, WE COULD CONCEIVE OF EXPERTS HIRED BY AID THROUGH RECRUITMENT DIRECTLY FROM PRIVATE SECTOR.

5. SUGGEST, ACCORDINGLY, THAT IN EARLY STAGES OF DISCUSSION IN FONMINISTRY WE STICK TO DRAFT AS NOW DRAWN, BUT THAT IF WE ENCOUNTER GOOD DEAL OF OPPOSITION AMONG WORKING LEVEL AND SENIOR OFFICIALS, WE BE PERMITTED TO MODIFY WORDING OF THIS PROVISION TO INDICATE THAT WHERE THE TECHNICIAN RECRUITED HAS BEEN FOR NUMBER OF YEARS A REGULAR TENURED EMPLOYEE OF USG THAT HE SHOULD THEN BE CONSIDERED AS ATTACHED TO EMBASSY. WE WOULD NOT, IN OTHER WORDS, BE INSISTING ON DIPLOMATIC STATUS FOR TECHNICIANS WHO WERE NOT RPT NOT USG EMPLOYEES OR WHO HAD

GIVEN UP THAT STATUS TO SEEK EMPLOYMENT HERE.

6. AS FAR AS WE CAN DETERMINE TECHNICIANS OF OTHER COUNTRIES BROUGHT HERE FOR ECONOMIC DEVELOPMENT OR MILITARY ADVISORY ROLES HAVE NOT ENJOYED THE EXTENT OF EXEMPTIONS WE HAVE. IN THE RECENT MEMORANDUM OF UNDERSTANDING SIGNED FOR US ASSISTANCE FOR IMPROVEMENT OF THE SAUDI ARABIAN NATIONAL GUARD, A DIPLOMATIC EXEMPTION LIMITED OFFICIAL USE

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CLAUSE WAS INCLUDED. HOWEVER, THE COMMANDER OF THE GUARD, PRINCE ABDULLAH, WAS MOST ANXIOUS FOR PROMPT SIGNATURE OF THE AGREEMENT AND BRUSHED ASIDE ALL OBJECTIONS, ALTHOUGH SOME RESERVATIONS WERE REGISTERED IN LOW KEY BY FONMINISTRY LEGAL ADVISOR.

7. IN CASE OF AGREEMENT ON TECHNICAL ASSISTANCE, SHOE IS ON OTHER FOOT, HOWEVER, AND IT IS US WHICH IS HOPING SEE

AGREEMENT SIGNED AS MEANS FACILITATING INPUT OF US TECH-
NICIANS. WE MAY WELL HAVE TO BE FLEXIBLE. IN ANY CASE,
IT IS OBVIOUS OUR BROADER OBJECTIVES WOULD BE DEFEATED
BY ANY ENDEAVOR SECURE INCLUSION OF DIPLOMATIC EXEMPTION
CLAUSE THROUGH DETERMINED POLITICAL EFFORT BY EMBASSY
WHICH COULD INVOLVE CONFRONTATION WITH SAG.
THACHER

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